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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
10

11 SALAH M. HASSANEIN, an individual and  
on behalf of THE SALAH M. HASSANEIN  
12 INSURANCE TRUST and THE SALAH M.  
HASSANEIN DEL MAR TRUST,

13 Plaintiff,

14 vs.

15 BANK OF AMERICA, N.T.S.A., a  
16 Delaware corporation; and DOES 1 through  
20, inclusive,

17 Defendants.  
18

19 BANK OF AMERICA, N.A., a national  
association,

20 Third-Party Plaintiff,  
21

22 vs.

23 RICHARD H. LINSLEY, an individual,

24 Third-Party Defendant.  
25  
26  
27  
28

CASE NO. 06-CV-20871EG (AJB)

**STIPULATED ORDER RE: REMAND  
ENTIRE ACTION TO STATE COURT**

1 This stipulated ORDER is made with reference to the following facts:

2 (1) Plaintiffs originally filed this action in San Diego Superior Court, Case No. GIC  
3 871746, on August 29, 2006, against the Defendant Bank of America N.A. ("BofA");

4 (2) On or about September 26, 2006, Defendant BofA removed the action from San  
5 Diego Superior Court to this Court based on complete diversity of citizenship, 28 U.S.C. §  
6 1441(b);

7 (3) On January 24, 2007, Plaintiffs filed their First Amended Complaint adding  
8 Third-Party Defendant Richard H. Lindsay as an individual Defendant in this action;

9 (4) Richard H. Lindsay is resident of California;

10 (5) The addition of Richard H. Lindsay as Defendant eliminated the complete  
11 diversity of citizenship that was the basis for subject matter jurisdiction in this Court; and

12 (6) The Court has set a hearing on April 2, 2007 to determine if it has subject matter  
13 jurisdiction;

14 (7) The parties have agreed that addition of Richard H. Lindsay as a Defendant  
15 eliminated subject matter jurisdiction in this Court, and the current action should be remanded  
16 to the Superior Court of California, County of San Diego, pursuant to 28 U.S.C. § 1447 (e);  
17 and

18 (8) The parties, by and through their attorneys of record, have stipulated on or about  
19 March 8, 2007 to remand this entire action to San Diego Superior Court.

20 **ORDER**

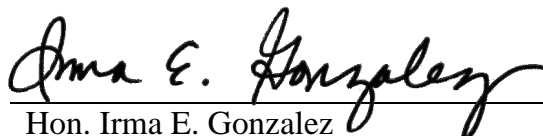
21 Good cause appearing therefore, IT IS HEREBY ORDERED as follows:

22 (1) This action is remanded to San Diego Superior Court Case No. GIC 871746, where  
23 it was previously assigned to Judge Yuri Hofmann in Department 60; and

24 (2) The hearing on April 2, 2007 in this matter is vacated.

25 IT IS SO ORDERED.

26 DATED: March 15, 2007

27   
Hon. Irma E. Gonzalez  
United States District Judge